

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60866 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- GADHPURA District- Begusarai

SANJAY KUMAR YADAV @ SANJAY KUMAR SON OF DINESH
YADAV R/O VILLAGE - KAURAH, P.S. - GARDHPURA, DISTT.-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that Sanjay and Dinesh who are
father and son convinced him that if he invests Rs.10-15 lacs in
business of onion which Ajay Yadav (brother of Dinesh) is
doing he will earn good benefit. It is further alleged that he
transferred Rs.15 lacks in the account of Ajay Yadav but never



received the supply of onion. Earlier also he had given Rs.3 lakhs to Sanjay and Dinesh. It is further alleged that he was abused by the wife of Ajay Yadav when he had gone to ask for his money.

Learned counsel for the petitioner submits that from bare perusal of the allegation, it would manifest that the dispute is civil in nature. It is further submitted that the informant has already filed Money Recovery Suit No. 19 of 2022 in Rohini Court, Delhi against Ajay Yadav. Learned counsel submits that since a money suit has already been filed by the informant seeking recovery of the money which he alleges was deposited in the account of Ajay Yadav in lieu of business relating to onion, as such, sending the petitioner to jail at this stage would amount to travesty of justice.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gadhpura P.S. Case No. 139 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial court before accepting the bail bonds of the petitioner will verify the fact from the learned counsel of the informant that as to whether any money recovery suit has been filed before the learned Rohini Court, Delhi or not against Ajay Yadav and in the event if it is found that no money recovery suit has been filed and the Court was misled to obtain anticipatory bail then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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